

RECORD OF PROCEEDINGS
Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 6, 2013

Held
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Mayor Lecklider called the Monday, May 6, 2013 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session to discuss land acquisition matters (to consider the purchase of property for public purposes) and legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action).

Mr. Gerber seconded the motion.

Vote on the motion: Mayor Lecklider, yes; Vice Mayor Salay, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mr. Reiner, yes. (Mr. Keenan joined the executive session in progress.)

The meeting was reconvened at 7:10 p.m.

PLEDGE OF ALLEGIANCE

Mrs. Boring led the Pledge of Allegiance.

ROLL CALL

Council members present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.
Staff members present were Ms. Grigsby, Mr. Smith, Mr. McDaniel, Ms. Mumma, Mr. Foegler, Chief von Eckartsberg, Ms. Crandall, Mr. Wagner, Mr. Hammersmith, Mr. Tyler, Mr. Hahn, Ms. Ott, Ms. LeRoy, and Ms. Burness.

PROCLAMATION

- National Building Safety Month

Mayor Lecklider read and then presented a proclamation recognizing National Building Safety Month to Mr. Tyler, Chief Building Official.

Mr. Tyler invited Chief Woo, Fire Chief, Washington Township Fire Department to join him in accepting the proclamation.

Mr. Tyler thanked Council for the proclamation and for recognizing the importance of building safety in the community. They have many partnerships that help them ensure the safety of buildings, and one in particular is with the local fire officials.

Chief Woo stated that the fire and building departments work together and are therefore more efficient and effective in enhancing the safety of the community. He has worked closely with the Administrative Review Team and noted that the professionalism of the City of Dublin staff makes their job easier in the community. He thanked Council for this recognition.

CITIZEN COMMENTS

Bill Spratley, Executive Director, Green Energy Ohio, a statewide non-profit organization addressed Council. He has distributed to Council tonight a summary of the events taking place around the Green Energy Ohio Spring Tour in Dublin on May 17 and 18. There are ten sites involved in the Tour, including the Platinum LEED building of IGS Energy, a major sponsor of this event, as well as the Ohio Energy Office in the State Department of Development Services. The City's CNG fueling facility will be part of the tour as well as the City of Powell Solar Arrays, and the tour will end at Dublin Jerome High School. In addition, other sites include solar homes in Dublin and Powell and Byer's wind turbine on I-270. They have a large volunteer group who has assisted in planning this Tour. He invited Council members to join the Tour and/or the reception at the Golf Club of Dublin on Friday evening. There will be 6-8 Tesla cars, as Dublin is the midwest center of Tesla – the primo electric vehicle. This year, electric cars will cruise into Dublin, headed by Steve Martinez who is organizing the Tesla tour. In addition, many energy-related speakers will be part of the Tour. Twenty expert speakers from around Ohio will participate, addressing several tracks, including green energy in schools. Ohio has more green schools than any state in the country, and Dublin Schools are among the top in terms of energy efficiency. The keynote speaker will be the Dublin Energy Manager,

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Stephanie Drenton. Another track will focus on financing. There are four solar financing companies currently located in Dublin. The Consumer's Counsel will be attending to address utility regulation. In addition, a speaker he recently heard at the National Solar Conference in Baltimore will attend and will speak about electric vehicles. The events are free to the public, although there are fees for the expert workshops. He is hopeful that other municipal officials from the area will also attend the Tour. He offered to respond to questions.

Mr. Reiner asked in what location the drive-in for electric vehicles would take place. Mr. Spratley responded that the drive-in would begin on Friday evening at the Golf Club of Dublin in conjunction with the Tesla Club of Ohio meeting. They will also have a portable solar array from the Columbus Electrical Trade Center on display. He noted that they want to demonstrate that people can power their cars from the sun. This will reduce dependency upon foreign oil. On Saturday, the drive-in will be at Dublin Jerome and there will be a park and show as well. They are working with Clean Fuels Ohio on the program, which will have 18 exhibitors and a consumer workshop.

Mayor Lecklider thanked Mr. Spratley for sharing this information and for choosing Dublin to host this event. Dublin takes great pride in its green initiatives.

Mr. Spratley added that an award would be given to the City of Dublin, Dublin City Schools along with the City of Cincinnati – the Ohio Clean Energy Community of the Year Award. He would be pleased to present this to the City on Saturday, May 18 at 10 a.m. This story will be included in an upcoming edition of their magazine.

CONSENT AGENDA

Mayor Lecklider noted that six items are proposed for action on the consent agenda. He asked whether any Council member requests removal of an item for further consideration under the regular agenda.

Hearing none, he moved to approve the actions listed for the six items on the consent agenda.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mr. Keenan, yes; Mr. Gerber, yes.

Approval of Regular Meeting Minutes of April 22, 2013

Ordinance 35-13 (Introduction/first reading)

Accepting the Dedication of a 0.167 Acres (with 0.167 Acres as Present Road Occupied), More or Less, Fee Simple Interest and a 0.047 Acres, More or Less, Permanent Multi-Use, Utility, Grading and Drainage Easement from the Washington Township Board of Trustees. (Second reading/public hearing May 20 Council meeting)

Ordinance 36-13 (Introduction/first reading)

Authorizing the City Manager to Accept the Dedication of a 0.136 Acres, More or Less, Fee Simple Interest from the Washington Township Board of Trustees. (Second reading/public hearing May 20 Council meeting)

Ordinance 37-13 (Introduction/first reading)

Establishing the Location and Amount of Cash on Hand for Change Funds. (Second reading/public hearing May 20 Council meeting)

Resolution 22-13 (Introduction/vote)

Accepting the Lowest/Best Bid for the 2013 Street Light Pole Painting Project.

Resolution 23-13 (Introduction/vote)

Accepting the Lowest/Best Bid for the 2013 Street Maintenance Program Project. (No. 13-001-CIP)

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SECOND READING/PUBLIC HEARING - ORDINANCES

Mayor Lecklider moved to waive the Council Rules of Order to address Ordinances 30-13, 32-13 and 34-13 together, and to have the Clerk read the property names only into the record.

Mr. Gerber seconded the motion.

Vote on the motion: Mayor Lecklider, yes; Mrs. Boring, yes; Vice Mayor Salay, yes; Mr. Reiner, yes; Mr. Gerber, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 30-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 0.127 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property; 0.017 Acres, More or Less, Permanent Multi-Use, Utility, Grading, Utility and Drainage Easement; and a 0.021 Acres, More or Less, Temporary Easement from Michael A. Wade.

Ordinance 32-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.144 Acres, More or Less, Fee Simple Interest that is Present Road Occupied Property; a 0.010 Acres, More or Less, Permanent Multi-Use, Utility, Grading and Drainage Easement; and a 0.021 Acres, More or Less, Temporary Easement, from Sean M. and Jennifer K. Smith.

Ordinance 34-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire a 0.138 Acres, More or Less, Fee Simple Interest (with 0.138 Acres as Present Road Occupied); a 0.024 Acres, More or Less, Permanent Shared-Use Path, Utilities, Drainage and Grading Easement; and a 0.021 Acres, More or Less, Temporary Easement from Michael A. and Judith E. Teets.

Ms. Ott stated that the three ordinances authorize acquisition of easements and present road occupied land for construction of a bikepath along Brand Road between Muirfield Drive and Earlington Parkway. She offered to respond to any questions.

Vote on Ordinances 30-13, 32-13 and 34-13: Mrs. Boring, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mr. Reiner, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes; Mr. Keenan, yes.

Ordinance 31-13

Authorizing the City Manager to Execute the Necessary Documents to Accept the Dedication of 0.311 Acres, More or Less, of Right-of-Way and 0.019 Acres, More or Less, of Bikepath Easement from Avery Lakes Investments, LLC.

Mr. Hammersmith stated that this ordinance involves a voluntary dedication of right-of-way and a shared use path easement by Dublin Building Systems. This dedication was associated with a lot split that was necessary to construct a building for a new business, Sertek, to be located along the south side of Shier-Rings Road, west of Avery Road. He shared a slide depicting the shared use path easement necessary in order to move the path south to route it around an existing utility pole. The right-of-way dedication will be from the west property line to the Avery and Shier-Rings Road intersection. Staff recommends acceptance of this dedication and can respond to questions.

Vote on the Ordinance: Mr. Gerber, yes; Ms. Chinnici-Zuercher, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Mr. Keenan, yes; Vice Mayor Salay, yes.

Ordinance 33-13

Approving the Partial Release of a Storm Sewer Easement Granted to the City of Dublin as Part of the Development of the Dublin Village Center Retail Center.

Mr. Hammersmith stated that, as indicated in the staff report, this involves the release of a portion of a storm sewer easement that was dedicated to the City in 1990 when Dublin Village Center was created. An area was reserved at that time for a stormwater detention

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pond in the location that the AMC theater exists today. Through a title search done as part of a refinancing of the Center, this was brought to staff's attention by Stavroff Interests. They have requested that the City release this easement, which is no longer needed. Staff recommends approval. He shared a slide showing the location of the existing theater and the existing easement.

Vote on the Ordinance: Mr. Keenan, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Gerber, yes.

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 38-13

Authorizing the City Manager to Execute Necessary Conveyance Documentation to Acquire 5.12 Acres (with 1.308 Acres as Present Road Occupied), More or Less, of Right-of-Way Located at the Northeast Corner of Riverside Drive and State Route 161 that are Necessary for Intersection and Roadway Improvements.

Vice Mayor Salay introduced the ordinance.

Mr. Foegler stated that Bridge Pointe shopping center recently came under contract by an interested buyer, Crawford Hoying. Crawford Hoying approached the City, being aware of the City's desire and plan for future road improvements in that area. Based on the studies completed over the last few months in which the impacts of the roundabout were defined and the City gained a better understanding of the road alignment, the City was able to define the right-of-way needs for both of those projects as it impacted this property. Upon completion of an appraisal, the City came to terms regarding the proposed acquisition of the needed right-of-way. The shopping center itself is comprised of approximately 10.994 acres. The right-of-way needed, shown in blue on the graphic, constitutes 3.812 acres. There is an additional 1.3 acres that is present road occupied, which would also be acquired as a result of this – making the total acquisition 5.12 acres. The appraised value is mainly driven by the damage to the residue as shown in the after condition, as the shopping center is severely impacted. Once those City improvements would be completed, its value as a center is eliminated. Accounting for most of it resulted in a value of the take of \$3.345 million. The agreements before Council tonight are three-fold: (1) an agreement for the actual purchase as he has defined; (2) a leaseback, allowing the purchaser of the larger center to continue to lease back from the City the land that would be purchased by the City -- the 3.812 acres -- for the period of time it remains as a shopping center; and (3) an option where the City could choose to pursue the residual, if in fact it felt there was reason to do so. It is important to note that there is no schedule at this time for the construction of the proposed roadway improvements, although staff is moving forward with the next phase of preliminary engineering in order to better define those improvements. As Council proceeds with its normal capital programming process, it can evaluate where this project would best fit. The purpose for the emergency language at the second reading is because the current purchase agreement requires that closing occur by June 11. He offered to respond to any questions.

Vice Mayor Salay stated that she has had questions from some residents who noted this item on the agenda, as well as the recent purchase of the Wendy's site. They commented that these purchases represent a considerable investment by the City. Are all of the plans for this area on the website so that she can direct them to the website for the detailed information?

Mr. Foegler responded that the graphic associated with this particular acquisition is on the website. The City's website does include all of the Bridge Street District initiatives, including the proposed alignments in larger detail. This will give residents a better sense of how the road improvements fit together, including the most impactful ones of the roundabout and the relocated Riverside Drive.

Mayor Lecklider asked for confirmation that for the near term, the shopping center will continue to function as it exists today.

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Mr. Foegler responded that staff's understanding is that it is the desire of the purchaser to continue to operate the center as it exists until such time as the roadway were to improve or until they choose to pursue some alternate redevelopment for their site.

There will be a second reading/public hearing at the May 20 Council meeting.

Ordinance 39-13

Authorizing the City Manager to Enter into a Development and a Tax Increment Financing Agreement with Vrable Land Holding Dublin LLC Related to the Development of Approximately 6.15 Acres of Real Estate Generally Located to the East of Riverside Drive, West of Tuller Ridge Drive and South and Adjacent to Tuller Road. (Vrable Skilled Nursing Care)

Vice Mayor Salay introduced the ordinance.

Mr. McDaniel stated that this authorizes a development and tax increment financing agreement with Vrable Land Holding Dublin LLC. The developer intends to develop the site, located on the southwest corner of Tuller Road and Tuller Ridge Drive as skilled nursing, assisted living and office uses. The development will occur in accordance with the preliminary development plan approved by Council with Ordinance 06-12 and as Planning & Zoning Commission approved as a final development plan on February 21, 2013. The staff report provides a summary of key points of the proposed agreement including: an overview of the entire project, which has a projected minimum value of at least \$14million; the donation of property by the developer; construction of new roads and phasing of them; waterline construction and sanitary sewer construction; tax increment financing area to be established to include certain minimum service payments; and that a tax increment financing ordinance will be introduced at a later date. This will bring an approximately \$14 million plus investment, with 125 new jobs with an estimated annual payroll of \$4 million. The construction of these new roads would begin to set the conditions for establishment of the Bridge Street District in this immediate area. He offered to respond to any questions, noting that Ms. Mumma can respond to questions regarding the TIF portion of the agreement.

Ms. Chinnici-Zuercher stated that her question relates to the timeframe for building of these roads.

Mr. McDaniel responded that in relation to John Shields Parkway, the agreement provides Phase Two to be completed no later than December 31, 2018, subject to change --based on how planning goes forward and the funding relative to a potential relocation of Riverside Drive. This will be addressed in the CIP process and more refined. John Shields Parkway Phase One will be completed relative to the completion of their project, which will be within one year to 18 months.

Mr. Keenan asked about the timeline in terms of whether this would be a straight TIF or a non-school TIF, and how those discussions are unfolding.

Mr. McDaniel deferred to Ms. Grigsby.

Ms. Grigsby stated that staff is currently having discussions with representatives of the Schools administration and the School Board. Staff will report back to Council about this matter in the near future.

Mayor Lecklider asked if the grading and earth moving on the site relate to this project.

Mr. McDaniel responded affirmatively, noting that the applicant has received permits for site work and foundation work. It is a phased permitting process.

Vice Mayor Salay recalled that there was a deadline within which the project was to be initiated.

Mr. McDaniel agreed, noting that a certain portion of their footers had to be in place within a certain time in conjunction with their other approvals.

Mr. Keenan asked how the elevation change would impact the roadways.

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Mr. McDaniel responded that there are challenges with the design, which is still underway. Preliminary work has been done on the layout of the centerline as well as the vertical grade of the road.

Ben Hale, Jr., representing the applicant, but did not have further testimony to add.

There will be a second reading/public hearing at the May 20 Council meeting.

STAFF COMMENTS

Ms. Grigsby noted that the report in follow-up to the goal setting retreat would be forwarded to Council in draft form, together with a draft resolution, in the next packet.

COUNCIL COMMITTEE REPORTS/COUNCIL ROUNDTABLE

Mr. Reiner thanked everyone for supporting the Dublin Arts Council Garden Party. There was a wonderful turnout, and the event was beautifully executed.

Ms. Chinnici-Zuercher:

1. Attended the Columbus Chamber of Commerce Government Day on Friday. Mr. McDaniel was among the speakers at the event. His workshop panel included representatives of three communities -- Dublin, New Albany and Columbus -- with the topic of the zoning process and how the communities differ. The New Albany representative indicated that the major difference for them is that they have a singular landowner, which affects and speeds the process of zoning compared with communities such as Dublin or Columbus. The Columbus process is very different, involving many infill projects. At this point, the three communities were not far apart in their zoning process, as all have taken a team approach in zoning and development. The Governor spoke at the luncheon and did address the Chamber regarding their opposition to some of his initiatives.
2. Had the opportunity to meet with two representatives who work for the Secretary of State and who shared a collection of materials to assist people in starting corporations and businesses in Ohio. She will give those to Mr. McDaniel.
3. Read an article in the April 26 *Business First* regarding the wealth in the northern arc of area zip codes. She found it interesting and of note that there was a huge differential of \$55,000 in average wealth between New Albany as No. 1 and Dublin's 43017 zip code as No. 2.

Mr. Hale pointed out that this is an average, and New Albany has one extremely wealthy individual!

4. Asked if feedback is requested for the draft Code of Conduct provided on the dais tonight.

Ms. Grigsby responded that Council could provide any feedback to staff via e-mail. This was a draft, based on recent discussions with Council.

Mrs. Boring stated that she has some issues to bring up to Council that will require further research. She will bring these matters forward at a future Council meeting.

Vice Mayor Salay:

1. Noted that she had conversation with Mr. Langworthy via e-mail about some zoning violations/issues. She learned that the Code provisions related to lit neon signs are ambiguous, in the opinion of the City's magistrate. Mr. Langworthy is working on drafting some amendments to address this matter, and will forward that information to Council.

Mrs. Boring added that she is aware that the Bridge Street District sign code may be different from that in other areas of the City. As Mr. Langworthy is working on the lit neon sign issue, could he also bring back a report regarding the changes in signage for the Bridge Street District?

Ms. Grigsby responded that there are sign code changes related specifically to the Bridge Street District, and staff can include that information in a follow-up report.

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Mayor Lecklider added that it seems that sales efforts for neon signage have increased in general in the area, resulting in these issues. There seems to be a proliferation of such signage.

Vice Mayor Salay added that these are not in keeping with the community standards, and residents have contacted her about these signs.

2. Commented that everyone is looking forward to the Dublin Road South bikepath completion. She had questions from the Llewellyn Farms residents regarding whether the City had considered a Rings Road connection up to the sidewalk at Country House. This would give all three phases of the subdivision sidewalk or bikepath access to the Dublin Road bikepath. Has staff investigated this option?

Ms. Grigsby responded that staff met recently to review bikepath connections throughout the City, and this was one area of discussion. In the past, the plan called for the bikepath to be installed on the north side of Rings Road when development occurred, but that development has not occurred. The discussion at staff level was an option of installing a section on the south side of Rings Road to provide the connection up to Frantz Road. It would also help in terms of the timing of completion of the Dublin Road South path, providing access for those residents to connect to Frantz Road in the interim.

Mayor Lecklider asked Mr. Hammersmith to provide a brief update on the progress for the Emerald Parkway widening project in Columbus.

Mr. Hammersmith responded that the project is going very well and the weather has been favorable. The contractor is about a week away from completing the south part of the project with the roundabout. They will then switch traffic over and begin the roundabout at Glendon Court. For the southern portion, the curb is installed, asphalt will be installed this week, brick is being installed, and the truck apron at Lakehurst. Once that is complete, there will be a shift in the maintenance of traffic. There will be the same restrictions for movements at Glendon Court as exist presently at Lakehurst. The completion date for the project is the end of July.

Vice Mayor Salay thanked Chief von Eckartsberg for the report regarding measures to address underage alcohol consumption at the Irish Festival. She will share that information with those who have contacted her. They may have some suggestions for additional measures.

Mayor Lecklider invited everyone to attend the Police Memorial service to be held on Friday, May 10 at 1 p.m. at the Dublin Justice Center. Sunday, May 12 marks the beginning of National Police Week. For those who cannot attend, there will be a videotape of the event shown on the local television programming at a future date.

ADJOURNMENT

The meeting was adjourned at 7:48 p.m.

Mayor – Presiding Officer

Clerk of Council